Six perspectives on

making

Letter from the Chief Commissioner

From where I sit, things are really starting to happen.

This is my second report since being appointed Chief Commissioner in February 2005. There have been days when I've really questioned the wisdom of my decision to accept this job. I am happy to report those days have been far fewer than those that have been very rewarding.

Much of my time as chief commissioner is spent in meetings with chiefs, government officials and community leaders. I have travelled extensively throughout the province this past year visiting people and learning more about their situations. As well, I have participated in 20 conferences and 16 treaty negotiation sessions.

What I am seeing in treaty negotiations is a strong focus on the microelements of treaties. The negotiators have their heads down and are working tirelessly on the details. There have been so many changes, too: changes in government, changes in personnel and changes within First Nations. What has remained constant, however, are some of those fundamental elements such as the desire to reconcile First Nations ownership and jurisdiction over the land with the extension of sovereignty by the provincial and federal governments. Real reconciliation will mean closing the trust gap that exists between the parties. Trust is a pre-condition to forming a new relationship. This new relationship will be built on the foundation now being laid in treaty negotiations.

Now that treaties are being finalized, what is on the horizon for the parties? What can we look forward to and how will this expectation inform what we are now engaged in with regard to reconciliation? The answer is treaty implementation.

Once the ink has dried on the treaty and the negotiators go back to their respective corners, the arduous task of treaty implementation will begin. Self government will be at the centre of this new stage of the treaty process. Stage 6 is just around the corner and it is time to give serious consideration to whether the parties are ready. I am now convinced that planning for implementation should take place sooner rather than later. In planning for implementation a First Nation will be better able to see what its needs will be in areas like human resources, training and sustainability.

What comes to mind is the process of building a canoe. Cutting the tree and carving the canoe are important steps, but actually paddling in that canoe on the river and then on the ocean is an entirely different matter. By thinking about what the canoe will carry and how it will manage rough waters on long journeys, we can better inform the canoe carver as to things like wave resistance and thickness of the walls and raise of the seats.

Likewise, by planning ahead for implementation we can inform stage 5 negotiations by determining whether positions taken are, in fact, practical and whether the treaty is a suitable tool for change.

Last year I was invited to witness the Nisga'a Lisims Government in action. I was very impressed with their Government House, internal government structure and their assembly. To fully appreciate the import and meaning of First Nation government, you really have to see it in action. I was "blown away" to borrow a phrase from my childrens' vernacular.

As a result of the many speaking engagements I accepted last year, it has become increasingly clear to me that there is still a need for the Treaty Commission to help the general public and First Nations to better understand the history and

"The Six First Nations we are featuring in this year's report have different and shared experiences that can teach us all something about their vision for the future."

meaning of treaty negotiations. Treaty language has grown up in the conference rooms and courtrooms of the nation. Specifically, it must become part of the everyday discussion at the kitchen tables of First Nations people if treaties are to stand any chance of surviving community ratification.

As more First Nations arrive at stage 5 negotiations, they will begin to turn their attention to what has been called overlapping claims. While it is the responsibility of the First Nation to resolve overlaps, I believe these matters may be better addressed through facilitation. The Treaty Commission is prepared to provide assistance, but has limited financial resources for the task. We will be considering various approaches to dispute resolution, including non-binding arbitration, later this fall.

What is most gratifying this year is that treaties are finally arriving. The arrival of the long awaited and promised treaties means that the time and energy spent on them has been worthwhile and important. Resolving these issues has been a process that began long before BC was even a province.

Significant, too, is the fact the struggle to obtain recognition of the right to self governmeht has ended. The Government of Canada recognized the right to self government in 1996. Then, in 2005 the BC government recognized that aboriginal title to land exists.

We are entering an era when First Nations will no longer be wards of the state. First Nations have the opportunity through treaty making to become another level of government with treaty rights and lands protected by Section 35 of the Canadian Constitution. Not only have First Nations survived the many years of struggle and sacrifice, but also First Nations have finally arrived as family members in the family of governments.

There is no doubt that aboriginal forms of self government have always existed and continue to exist in various traditional forms. However, with the possibility of fully recognized self government rights in a constitutionally protected treaty, this means that First Nations will finally take their place among the other founding nations of Canada. This process is much more than treaty making; it is truly nation building at its best.

Congratulations to those First Nations that have concluded negotiations and to those First Nations that are about to conclude negotiations.

I especially want to thank those First Nations that agreed to share their stories with us. The six First Nations we are featuring in this year's report have different and shared experiences that can teach us all something about their vision for the future.

Finally, thank you to the commissioners and staff for their dedication and hard work during the past year.

Sincerely,

Steven Point

The British Columbia Treaty Commission was launched on April 15, 1993 under the terms of an agreement between the Government of Canada, the Government of British Columbia and the First Nations Summit, whose members represent the majority of First Nations in British Columbia. The terms of the agreement require the Treaty Commission to submit annually to the Parliament of Canada, the Legislative Assembly of British Columbia and the First Nations Summit a report on the progress of negotiations and an evaluation of the process. Our financial information has been prepared to coincide with the release of the Annual Report 2006 and is submitted as a separate document.

Overview

The first sign that treaties are achievable is the agreements, yet to be ratified, involving the Lheidli T'enneh of the Prince George region and the Tsawwassen First Nation in the Lower Mainland.

Chief negotiators for each of these First Nations and the governments of Canada and British Columbia have concluded final treaty negotiations and have agreed to take the necessary steps to seek approval of the agreements from their respective Principals.

As well, Maa-nulth First Nations on Vancouver Island are seeking to conclude their agreement. And there is the promise of more agreements in the weeks and months ahead.

Once the negotiators reach agreement on the terms of the treaties, as some already have and others we expect soon will, the parties will then put all their efforts into the ratification process. First, the First Nation members will review the details of the treaty, at which point a vote will be held. If the membership votes in favour of the treaty, there will be a vote in the provincial legislature and then the federal parliament as their respective legislative agendas allow. A final treaty is perhaps two years away – the Nisga'a ratification process took the three parties two years – but there is optimism now that treaties will be achieved.

Only the Nisga'a have a comprehensive, modern-day treaty in British Columbia, achieved in 2000 despite considerable criticism from non-aboriginal and aboriginal people alike. The Nisga'a final agreement is now considered by many to be a significant achievement that is the benchmark for new agreements.

Terms of the Lheidli T'enneh treaty include provisions for self government, 4,330 hectares (43.3 sq. km) of treaty lands, $27 million in one-time funding, $400,000 annually in revenue sharing for 50 years, 107,000 cubic metres in long-term wood supply, 9,000-10,000 sockeye for food, social and ceremonial purposes (depending on run size), and 6,000 sockeye that would be for sale on an annual basis when there is a commercial fishery.

The parties have not released the details of the Tsawwassen First Nation treaty, pending an internal review.

Several more First Nations in the advanced stages of negotiations, including Yale First Nation and Yekooche Nation, are not far behind in achieving treaties. Yale First Nation has been the only First Nation to conclude an agreement in principle so far this year. In March 2006, the parties announced the agreement, which provides $6.5 million and 1,139 hectares (11.39 sq. km) of treaty settlement lands. Significant in this agreement are the various salmon allocations for both commercial and food, social and ceremonial purposes based on a percentage of the overall annual total catch.

The agreement in principle for the Yekooche Nation signed in August 2005 provides 6,340 hectares (63.4 sq. km) of treaty settlement land as well as $6.5 million.

Although the In-SHUCK-ch Nation has yet to conclude an agreement in principle, those negotiations have been characterized as "essentially finished." The agreement in principle provides 14,979 hectares (approx. 150 sq. km) of treaty settlement land and $21 million. Several more First Nations aim to conclude agreements in principle sometime in 2007.

However, there are several First Nations in the BC treaty process that feel sidelined because of the concentration of resources and effort on those First Nations close to agreement on treaties. Those First Nations close to achieving

stage 4 agreements in principle want the group of First Nations concluding treaties to be enlarged to include them.

Is it reasonable for First Nations to keep people and resources in place and to build debt while waiting for the other two governments to negotiate? The BC government has been reluctant to put more resources into more treaty tables until it is sure treaties are achievable. That must change. There are further opportunities to reach agreements and build momentum in treaty making and these opportunities should be fully explored.

Still other parties have yet to find sufficient common ground on the major issues to make any real progress in their treaty negotiations.

In all, there are 57 First Nations in the treaty process in 47 sets of negotiations. These First Nations represent the majority of *Indian Act* bands (120) and approximately two thirds of the aboriginal people in British Columbia.

The BC government has shown all Canadians a new attitude towards First Nations: some would say there has been a complete turnaround since its highly controversial referendum on treaty issues in 2002. Premier Gordon Campbell has led the way, both at home and throughout the country. There is a sense the BC government has reshaped its bargaining position to complete treaties.

The creation of a stand-alone Ministry of Aboriginal Relations and Reconciliation and the New Relationship initiative with three major First Nation organizations are tangible expressions of the BC government's new approach. But First Nations need to see some practical expression of the New Relationship on the ground. The views of First Nations on spending the $100 million New Relationship Trust are now being heard at regional meetings throughout the province, which should help to define priorities.

The federal government position is not yet as clear. To be fair, the new government has not had much time to consider the effect of their treaty decisions in British Columbia and ramifications for the rest of the country.

The decision by the Prime Minister to scrap the Kelowna Accord and raise concerns about fisheries programs has not endeared him to First Nations. Some of the commitments contained in the Kelowna Accord will be honoured, for example, funds committed to clean water and housing, but these commitments fall far short of what the leaders of First Nations, the provinces and territories had agreed to with the former federal government. That accord committed the federal, provincial and territorial governments to materially improve the lives of aboriginal people in five key areas — health, education, housing, economic opportunity and intergovernmental relations.

In his first major public appearance as the new Indian Affairs Minister, Jim Prentice told First Nation Summit leaders in March that achieving treaties is a priority. The minister said he was encouraged by the significant progress that was being made at a number of the tables. Certainly, federal negotiators have played a key part in moving some negotiations forward.

The Treaty Commission is currently working with the offices of the federal and provincial ministers and the First Nations Summit to revive the Principal's process, whereby outstanding treaty issues would be addressed through ongoing high level talks.

The Nisga'a say First Nations seeking a treaty are on the right track despite challenges in fulfilling the terms of their own agreement with the Government of Canada and in achieving effective new relationships with other governments.

Most other First Nations that have achieved modern-day treaties seem to share the Nisga'a view that implementation is difficult. They also agree that life is better now that the *Indian Act* no longer holds them back and there are many more opportunities to move forward. Many BC First Nations were in Gatineau, Quebec earlier this year at a conference to hear that message and to learn from those First Nations that have treaties.

With the coming of treaties, we can expect there will be changes to governance authorities as *Indian Act* bands make the transition to self-governing First Nations. That has been the experience of the Nisga'a Nation. New authorities are likely to bring with them the necessity for new and different structures of government. First Nations say this planning is being done with limited human and financial resources. In some rare cases, special Treaty Related Measures funding has supported governance work. Treaties provide implementation dollars that are intended to help First Nations make the transition in governance, but First Nations say the money comes too late in the treaty process.

A Treaty Commission priority is seeing that implementation processes get the attention and resources these activities require to ease the First Nations transition to self government.

There are signs First Nations in the treaty process are improving their relationships with other governments, including with neighbouring local and regional governments. The majority of the agreements between local governments and First Nations are with First Nations in the treaty process, one of the best examples being the agreement between the Lheidli T'enneh and the City of Prince George.

The Treaty Commission is sponsoring a pilot project on intergovernmental community planning among Sliammon First Nation, the Corporation of the City of Powell River and the Powell River Regional District. The Real Estate Foundation of BC has provided a grant of $25,000. The four-phase project comprises development of a Sliammon community plan, comparison of Sliammon and local/regional plans, amendment of plans and implementation and monitoring.

The project partners will compile a list of intergovernmental interests and shared responsibilities and present their recommendations in a best practices guidebook for use by other First Nations and their neighbouring governments.

Other examples of improved intergovernmental relations are the two recent agreements that confirm First Nations will have a say in managing provincial and national parks. 'Namgis First Nation, considered close to achieving an agreement in principle, will collaboratively manage provincial parks and protected areas within their traditional territory on northern Vancouver Island. Hul'qumi'num Treaty Group will work with Parks Canada in planning and managing the Gulf Islands National Park Reserve.

First Nations' traditional territories are at the heart of treaty making. They define the area within which the First Nation, Canada and British Columbia must reconcile their respective interests, jurisdictions and use of resources. Those interests include, but are not limited to, traditional uses of specific areas for fisheries, wildlife, spiritual use and other activities.

As First Nations move closer to agreements, there is an urgency to resolve competing claims. Traditional territories can and do overlap. Overlaps may arise from many causes: a tradition of sharing territory for the use of specific resources, movements of families and tribes, or longstanding disputes.

The concern, as we get closer to treaties, is with contested overlaps between neighbouring First Nations. Assisting First Nations to address overlaps is a priority for the Treaty Commission in the year ahead.

When a First Nation commences negotiations with Canada and BC over land and resources, it must have the authority to speak for the traditional territory and resources that it claims. If there are significant overlaps, then that authority is in question. If the First Nation is to make progress in treaty negotiations, overlaps must be resolved, or at least seriously addressed, so that the parties can make arrangements without fear of a competing claim to the territory or resource.

Sliammon First Nation is a good example of a First Nation that is resolving issues of shared and overlapping territory. Sliammon signed its first Shared Territory Agreement with the Sechelt First Nation in 1995 and has now completed agreements with Homalco, Klahoose, K'omoks, We Wai Kai, Wei Wai Kum and Kwiakah First Nations. Sliammon initiated meetings with neighbouring First Nations to examine maps and identify what activities and interests were affected by territorial overlaps. There were discussions on how to deal with the overlaps and on the process to be followed in the event there is a conflict.

Six perspectives on treaty making

In this annual report, the Treaty Commission presents the perspectives of five First Nations in the treaty process – Gitxsan Hereditary Chiefs, Ktunaxa/Kinbasket Treaty Council, Lheidli T'enneh Band, 'Namgis Nation and Squamish Nation.

These First Nations were chosen to reflect not only their cultural and linguistic differences but also a diversity of experiences with treaty making. They are representative of several different stages in the treaty process and levels of engagement. Through their eyes, we learn about the challenges each faces in treaty making and in achieving reconciliation.

Having listened to these five First Nations, we are mindful of the many challenges that still exist for First Nations and of our duty to ensure the Principals adhere to the founding principles as currently set out in the Treaty Commission's Mission Statement and the BC Claims Task Force Report. We are also reminded that, as treaties are the foundation for the new relationship we are striving to achieve, there must be linkages with other initiatives that support First Nations. And finally, we are reminded of the achievements of First Nations in addressing the challenges they face.

For the sixth perspective we travelled to New Aiyansh to meet with Nisga'a leaders to learn more about the Nisga'a Nation's 113-year journey to a treaty and their experience with governing since becoming a treaty First Nation in May 2000.

Nisg̱a'a Nation

Lheidli
T'enneh Band

Gitxsan
Hereditary
Chiefs

Ktunaxa/
Kinbasket
Treaty Council

'Nam̱g̱is Nation

Squamish Nation

Six First Nations share their experience with treaty making

Six perspectives on

treaty

making

Gitxsan Hereditary Chiefs

To be "very Gitxsan" means to protect all that is Gitxsan.

For Gitxsan leaders being "very Gitxsan" means ensuring their people's survival by protecting the water, trees, salmon, berries, medicines and other resources that sustain the Gitxsan. It also means protecting the line of hereditary chiefs that stretches back to time out of mind.

"We don't want the Crown to be a burden on us," says Gitxsan Chief Negotiator Elmer Derrick. "And we don't want to be a burden on the Crown."

Most Gitxsan continue to live in their traditional territory in five villages (Glen Vowell, Gitanmaax, Gitsegukla, Gitwangak and Kispiox) and in the neighbouring communities of Hazelton and New Hazelton.

The Gitxsan are perhaps best known for their legal battles in the Supreme Court of Canada to gain ownership of and jurisdiction over, their house territories. All Gitxsan belong to a Wilp, or house, which is the basic unit for social, economic and political purposes within their matrilineal society. The Wilp is a collection of closely related people. It consists of several families and can number from 20 to more than 200 people. Each Wilp has a hereditary chief and there are more than 60 house groups, each with its own territory in the Gitxsan nation.

Derrick remembers it was difficult to raise the money that was needed to go to court and take the Crown to task for their activities in the early 1980s in the legal action that resulted in the landmark *Delgamuukw* decision.

Today, the Gitxsan look to the BC treaty process to achieve reconciliation in northern British Columbia. Derrick says the courts can only take the Gitxsan so far. Despite its shortcomings, Derrick sees the BC treaty process as the only option to address jurisdiction and ownership in Gitxsan territory.

"There's no money at home," says Derrick. "I can't go around to the chiefs and ask for a few thousand dollars for this court case. We could have done that if the economy was good, but we can't do that. We barely have enough money to pay for the funerals."

The Gitxsan had great expectations of the made-in-BC treaty process, recognizing that it represented a fundamental change in addressing reconciliation and that its founding principles were sound. The Gitxsan also saw that courts of all levels had opened doors, that they now have to be consulted and their interests accommodated. That is what the Gitxsan are hoping to fully achieve in their treaty negotiations.

Derrick believes Premier Campbell "is fully committed to critically involving the aboriginal title holders in the decision making that is relevant to the development of BC." But the Gitxsan suspect it will take the machinery of government time to bring that new relationship to life because the bureaucracy is bound by old policies and there are still many within government who do not recognize aboriginal title.

Negotiator Bev Clifton-Percival says the Gitxsan approach to the federal and provincial governments is straightforward.

"If you include the Gitxsan in decision making on their territories, you'll eliminate all of the disparities and difficulties you have with people not agreeing because they would have been included in the process."

The Gitxsan are proposing a decision-making process they say would lend itself to far more sustainable decision making than is currently the case.

"I know there are enough resources in Gitxsan country to take care of all of us."

They say the Supreme Court decision in *Delgamuukw* supports their view that the responsibility for land use decisions rests with the titleholders and they are keen to share their sustainability planning process with the other governments, how decisions are made on the land and how it can be done together to avoid "all these clashes on the land."

Clifton-Percival says it is not easy, especially when you are characterized as "difficult" in treaty negotiations. She argues the characterization speaks more to the fact the Gitxsan are different rather than difficult.

"We are willing to work with them and their way of looking at things, but they also have to work within our way of looking at things," she says. "I think that is where we have our difficult issues. It is a lack of recognition and respect."

"So, if we're difficult to deal with, so be it," says Derrick. "We won't apologize for protecting all of the rearing streams where fish need to rear young. That's a die-on-the-hill issue for us because without salmon we cannot exist. Without the salmon our people who live on $185 a month will not survive because $185 a month won't get us anywhere. But having access to salmon, having access to game to harvest on our lands [will]."

Derrick says a previous provincial minister took the view there was "no hope for any kind of a relationship between ourselves and the Crown because we had this hereditary system. We also would not comply with their land selection model."

"Negotiation is give and take," says Clifton-Percival. "We're willing to give and take, but they won't accept anything that comes from the Gitxsan. If this is a negotiation, then we are entitled to propose language. So, we proposed heaps of language in the last six months and everything they have come back with is just no. It's always no, no, no."

The Gitxsan have developed policy in most key areas including forestry, mining, oil and gas development, watershed protection and fisheries and they are prepared to work with governments and companies that have an interest in their territory.

"We want to work together to make decisions on the land together," says Clifton-Percival.

An example of their participation is their involvement in fisheries management for more than 20 years. "We have the best data on the Skeena River and DFO [Fisheries and Oceans Canada] uses it for allocation decisions, yet we can't conclude a fish chapter," she says. "As well, we have done the scientific research on the impact of fish farms, but the province and the federal Crown want to ignore it and our concerns."

Gitxsan negotiators have no opportunity to talk about governance, health, education, social welfare, child and family services, or any of the social issues that should be on the table for discussion, yet the Gitxsan know these issues are being negotiated elsewhere.

Clifton-Percival says there are 47 treaty tables and five have been chosen to be at the front of the line. "We all feel we have equally important issues and we all want them addressed. How can you reconcile interests if our interests are not even being heard?"

The Gitxsan treaty team is comprised of three negotiators and a board of directors made up of Simgiigyet (hereditary chiefs, wing chiefs and matriarchs) and Wilp members that give guidance on different matters. There is a small team in the office and no consultants or lawyers.

"We are the only team that we are aware of that uses our own people," says Clifton-Percival.

"We do all of our own discussions. There are chiefs' meetings every six weeks and they tell us what they want to say on these issues. Every Wilp is represented by their Simoogit or designated speaker and they have the final say on all treaty matters.

"There's no corporate memory on the other side," says Clifton-Percival. "All the corporate memory is on our side both in terms of our deep-rooted history and in terms of the relations we've had with the Crown over the past 30 years. We are consistent in articulating our interests and needs.

"We're getting a team of bureaucrats, we're not getting chief negotiators and that sends a message ... they're not listening to us."

Despite the difficulties in treaty negotiations, the Gitxsan leaders remain confident and optimistic about their future. They are proud of their people's resilience and the fact their language and culture is alive. They say the Gitxsan people support one another and come together when the need is there.

"Being a nuclear family doesn't work with Gitxsan," says Clifton-Percival. "It is all that extended family that gives support. That is how we are able to carry out a funeral. It isn't just one family that bears the cost of that funeral. It's everybody putting in what they have. And you know that when you have a death in your family, we'll all come and return help back. That's our system. It's community caring that makes communities successful."

Derrick says the Gitxsan will continue to live in their own communities and sustain themselves and the people who live on their land. "That's our goal. That's our responsibility. We are going to protect the land. That's our serious responsibility. And at the end of the day we can't walk away from any of that because that's part of being Gitxsan."

Clifton-Percival says Gitxsan are out on the land throughout the seasons, even in the remote northern parts of the territory, doing checks, seeing what's changed. "We have better, more current information, while the ministries rely on old data for critical land use and management decisions.

"Our commitment is to manage our territory and the people living there. However long it takes to rehabilitate the forest, Gitxsan forestland, it will happen. Even if we do not see one cent being returned by the Crown it will happen. The soils are good, the seeds are good – we can survive over the next 80 years to see a whole new forest come back to life."

Clifton-Percival says the Gitxsan can look after themselves if the Crown would just get out of the way and allow things to happen.

"We certainly don't want to be a burden on anybody and I know that there are enough resources in Gitxsan country to take care of all of us."

Ktunaxa/Kinbasket Treaty Council

A young Ktunaxa boy recites the nation's vision statement, without prompting, to a visitor to the territory.

He is one of several children wearing a nation t-shirt emblazoned with the vision statement in Ktunaxa, a language unique to the southeast corner of the province. Although the boy is unable to speak the Ktunaxa words, he lets the visitor know he will one day speak the language.

The encounter signals something much greater that is happening, the resurgence of the Ktunaxa people and the revival of the Ktunaxa Nation.

The Ktunaxa Nation brings together the citizens of St. Mary's Indian Band, Columbia Lake Band, Lower Kootenay Band, Tobacco Plains Band and Shuswap Indian Band and is represented in treaty negotiations by the Ktunaxa/Kinbasket Treaty Council, a council that is mandated by a citizen-driven process.

"I think that now people see themselves as Ktunaxa," says Kathryn Teneese, treaty council chief negotiator. "In our lives right now we are in the midst of a transition from the *Indian Act*."

Vision statement

As a Nation we are striving to achieve strong, healthy citizens and communities, speaking our languages, celebrating who we are in our ancestral homelands, working together managing our lands and resources as a self-sufficient, self-governing Nation.

For many Ktunaxa people, life under the *Indian Act* has meant no life at all. They are the casualties of marginalization and neglect. Many have died too young.

"We find ourselves faced with a huge gap in the people that should still be here today providing us with advice and guidance," says Teneese. "But because of all of the social ills that have befallen us over time, we've got this gap. There is a whole generation of people that don't even know what it's like to have a grandparent."

Now many Ktunaxa people are stepping up to become part of a citizen-driven process to rebuild their nation.

"Everybody's got a different job to do in what it is that we're trying to do to make ourselves the strong and healthy part of our vision statement ... making sure that people understand what it is that they're doing is all part of the whole package," says Teneese.

The Ktunaxa people are making a major shift. Today, they are doing things that make sense for the Ktunaxa.

"Canada and BC have to be seen to be making a fundamental shift, too," says Teneese. "If you think you are still the boss of me, it's not going to work."

Teneese thinks the BC government's decision, in establishing the Ministry of Aboriginal Relations and Reconciliation, to add reconciliation was a good thing.

"Reconciliation is not an event; it's about the evolving relationship," says Teneese. "Reconciliation is not a chapter in a treaty. We need to thread it through."

The negotiating team is focused on negotiations, but is very much aware that other things are happening and that there needs to be a link.

When the Ktunaxa started to set out the things that needed to be done, the leaders didn't want people to be overwhelmed so they separated the daily activities – the band and *Indian Act* administration – from the treaty.

Teneese says there are parallel paths, one of them being the treaty negotiation process and one of them she calls "life goes on."

"We see the two paths getting closer and eventually they have to join."

For example, there has been a lot of focus on children and families.

"There have always been ways to deal with social issues and that's why there is such a huge imbalance in our structures where we are social heavy and economic and land light."

The First Nation's social services are at the highest level of delegation so the piece they have to negotiate could be relatively small.

Teneese says treaty making has been a good choice for the Ktunaxa because it's a way to say to the world "we're still here; we exist."

"This is our territory; we want to deal with it. We're prepared to make arrangements so that we can all co-exist in a good way ... when I talk to people, I always talk about our homeland and I always talk about the people who have chosen to make their homes on our land and that we're not trying to displace [them] or anything like that. We're just trying to make sure that there's recognition and that's one of the biggest things that's still an ongoing challenge, ensuring that people recognize that the land they live on is Ktunaxa land."

Teneese says it is important to get the information into the schools in the early grades so that "we don't have people talking about treaty making as though it's something that we are being given."

She says people need to be reminded that negotiation is a result of compromise on everybody's part.

"We, as the First Nations, make the biggest compromise the minute that we decide to enter into treaty negotiations."

Negotiator Cheryl Casimer says the Ktunaxa people know now that they have ownership of the treaty negotiation process."I see a lot of growth has taken place in terms of nationhood," says Casimer. "We know what it is we're doing and that there is this responsibility that comes with it. A lot of people are talking about that. It's not so much about the rights any more; it's about those responsibilities that are going to be the outcome of what we're doing."

Casimer says as a First Nation they really have no other choice but to negotiate.

"We have no money to go to court everyday to talk about all of the development that's going on in our territory. So this process has, in a way, allowed us to be able to have a place at these tables now where we actually are sitting down and talking with other levels of government. Things are changing. It is not about the status quo anymore, things are going to change. We need to be ready for it and we need to prepare for that."

"I think that now people see themselves as Ktunaxa."

Teneese says the foundation for the BC treaty process – the BC Claims Task Force Report written in 1990 – still makes sense today.

"If we had stuck by those recommendations we would have a treaty today. But immediately the political negotiations changed into something else ... you know, dealing with programs and things."

There is one important exception, notes Teneese: the requirement that First Nations fund negotiations primarily through loans.

"I totally oppose having to borrow money to talk about our land. I find that disgusting."

Early on, the Ktunaxa insisted on having a comprehensive agreement in principle. Initially, the plan was to complete the agreement in principle in 2005, but the negotiators see some huge challenges ahead in getting there.

"Government needs to realize what is underlying this. If we don't do these things – finalize treaties – they are not going to move either.

"It's hard because we know we're trying to push as hard as we can but government, of course, is pushing back equally hard. But they're not doing things that they need to do in order for us to get where we need to go.

"In negotiations, we are only as good as what we do to convince government. For example, status of land: how can we get people to rethink their positions? In the spirit of negotiation, I have to believe we will be able to reach a conclusion we can live with and the people who come after can live with.

"But we hear these fixed positions ... and then we ask the question 'Well, what is it that you're putting on the table in return.' A negotiation means give and take from all the parties involved. And if there isn't that give and take then it's not a negotiation."

A priority of the Ktunaxa is to finalize their governance structure and to find ways to gain access to lands and resources.

"If we don't have more land it's going to be very difficult for us to live. And if we don't have the right to make decisions on those lands, it's no use having more lands.

"We have created a consultation and accommodation framework, a public document that is on our website. We tell people that it's the starting point for dealing with us."

The Ktunaxa have tabled their lands information, but are not prepared to make a land selection.

"We do not use that language at our table. We talk about identifying land and about the category it will be in."

The Ktunaxa say they are not asking for anything outrageous. They just want a new relationship. The First Nation has a protocol with Tembec, the biggest forest company in the area and a joint memorandum of understanding with the Regional District of East Kootenay and the Regional District of Central Kootenay. Similar arrangements are under consideration with mining companies that have an interest in the area.

"We've got to make sure we are prepared, that we can make things work," says Teneese. "We better foresee what is needed and have mechanisms in place so that nothing falls through the cracks."

Lheidli T'enneh Band

The Lheidli T'enneh have always been at the forefront of the BC treaty process and at the forefront is exactly where this First Nation wants to be.

Whether signing the first agreement in principle under the BC treaty process in 2003 or being the first to complete final agreement negotiations in August 2006, the Lheidli T'enneh's desire to achieve a final treaty is driven by one goal: to govern themselves in a way that they want.

"We didn't get into the treaty just to see how far we can go with the treaty or what we can get out of it," says Lheidli T'enneh Chief Dominic Frederick. "The plan was to get out from under the umbrella of Indian Affairs.

"Our background as a community isn't as rosy as most people think it is," says Frederick. "We come from a bad background of abuse through residential school and through being subjected to the *Indian Act*."

The journey to a treaty for Lheidli T'enneh has been long.

The Lheidli T'enneh entered formal treaty negotiations with the Government of Canada in the early 1980s. But the federal government capped the number of First Nations it would negotiate with across Canada and further limited the number of First Nations from BC. As importantly, the BC government was not at the negotiating table.

In 1993, with federal negotiations showing little promise, the Lheidli T'enneh submitted a statement of intent to negotiate a treaty under the newly created BC treaty process.

"When we found out about the treaty process and that there was going to be a process to enter into negotiations for a treaty we started immediately with our elders putting our homeland of the Lheidli on the map," says Frederick.

"When we first put our map together we were mostly after land," he says. "This is what they [members and the elders] wanted. All that was within the statement of intent – that was the whole treaty for them.

"Then, a few years later we got down to the nuts and bolts of land selection."

Neither Canada nor BC would accept the Lheidli T'enneh's claim in its entirety, insisting they choose parcels of land scattered throughout their territory. As a result, the community stepped away from negotiations, formed a land selection committee, hired a consultant and began the painstaking process of selecting land.

"We started a land selection committee and then we all sat down as community heads, even at that stage, to decide which lands we wanted.

"It was really hard to choose land that didn't have the resources extracted from it," says Frederick. "That was hard work. We complained about land selection every time somebody chose some land. 'What did you choose our land for; there's no trees there. You haven't even been there, you know.'

"But you know I had an advantage because I'm a hunter and I've been everywhere and I've seen all that land within the territory and I know what's there."

The land selection process is characteristic of the Lheidli T'enneh's community-based approach to treaty making.

"We don't want to stay where we are."

Very early in the treaty process, the Lheidli T'enneh formed a community treaty council to carry information from the treaty table to community members. Representatives from each of the Lheidli T'enneh's 14 families sat at the negotiation table.

The meetings started out small with a handful of elders, but eventually grew.

"We fought hard at the treaty table to make it a community treaty," says Frederick. "It was our treaty and we expressed to the negotiator and everybody else that came and worked for us that it was our treaty, that they worked for us. That's the bottom line."

Frederick believes that without the community's participation, without the opportunity to express their hopes, aspirations and expectations for the future, there would be no agreement.

"What has made our treaty successful is that we took it back to the community. That's the key. That's the key to treaties. It's not the negotiators' treaty; it's not chief and council's treaty; it's the community's treaty," says Frederick. "I am proud of the membership for coming to these meetings and participating."

The treaty negotiations brought a real change in the attitudes of the community, says Frederick. "It made them more aware of who they are and where they came from. They really found out who they are from the treaty."

But what does treaty provide for the Lheidli T'enneh?

"At the end of the day, we've come to an agreement that will economically sustain us for a long period of time and for our next generation.

"I think the treaty gives us an avenue and opportunity to move ahead," says Frederick. "We do not want to stay where we are.

"We didn't really look at it as the big stuff that we were going to get out of the treaty," he continues. "It wasn't for us – [the community] looked at what is going to be supporting my grandchild and their future children. What are they going to get out of it?"

Like the Nisga'a before them, the Lheidli T'enneh see their treaty as a book of opportunities. The land, the revenue sharing, the economic potential all provide the stability for economic development and cultural renewal. The Lheidli T'enneh are also pursuing economic opportunities with business that will ensure there are long-term benefits for the community.

"The treaty is supportive of our culture," says Frederick. "Basically it has increased the culture – the songs and the language; there are more younger people and more of the younger generation learning the language now and singing the songs than there were 15 years ago.

"We'll hunt within our traditional territory until the end of time."

In the end, though, it all comes back to the Lheidli T'enneh governing themselves.

"It's a matter of how we form our government and how we're going to govern ourselves," says Frederick. "That's the expectation of the community. So that they're not left behind, it depends on how the government is structured. I think that their expectations in the way the government is structured are going to play a big part in their lives and what they have to say about it.

"It's their treaty, not mine," says Frederick.

'Namgis Nation

The return of regalia and the construction of a cultural centre are largely responsible for a Kwakwaka'wakw renaissance.

While the 'Namgis people appear to be the prime beneficiaries of the repatriation, all Kwak'wala speaking people welcomed the opening of the U'mista Cultural Centre in Alert Bay in 1980.

The potlatch was outlawed almost 100 years earlier in 1884. But it wasn't until 1921 that the Indian Agent in Alert Bay confiscated Kwakwaka'wakw regalia and charged 45 people with participating in a potlatch contrary to Section 149 of the *Indian Act*. Twenty men and women served time in Oakalla Prison merely for making speeches, dancing and gift giving as their ancestors had done for thousands of years.

Today, people from all over the world visit U'mista Cultural Centre to view the potlatch artifacts and ceremonial items so vital to Kwakwaka'wakw culture. The U'mista Cultural Centre is governed by the U'mista Cultural Society which is open to board representation from all Kwakwaka'wakw Nations, including the 'Namgis.

'Namgis Nation Chief Bill Cranmer says the potlatch is once again important in the lives of his people. In the past year alone there have been several potlatches and feasts, bringing hundreds of people into the community. The largest potlatch attracted more than 1,500 people. New masks, headdresses and other regalia are being made in the community and worn at the potlatches.

"It's been a real positive for our community to have the cultural centre there," says Cranmer. "The families that weren't practising their culture 30 years ago, are now researching their family history, teaching their kids and their kids are proud of who they are. They are proud to be in the dance. The younger ones are proud to be able to sing the songs."

Chief Cranmer says there was a major health inquiry more than 25 years ago. That study found the community needed to have economic, physical and spiritual health to be successful.

"That's what we are working towards. Our community is in very good shape."

The community has its own health centre, social services, dental clinic, school and big house. 'Namgis Nation finances its own house construction and promotes home ownership.

"But, you can't really get anywhere by operating on program dollars [from Indian and Northern Affairs Canada]," says Cranmer.

"We decided the best way to go is to negotiate a treaty and get some revenue sharing and some of our own lands and resources for our use.

"The potlatch was given to us to be our way of expressing joy."

— Agnes Alfred, Alert Bay, 1980

"We looked at development in our territory and it's only going to increase. Unless we get in there and maximize our opportunities through a fair and just treaty, we will not fully benefit from development in our territory."

'Namgis Nation submitted a separate Statement of Intent to negotiate a treaty and began negotiations at a common table with five other First Nations as part of the Winalagalis Treaty Group. 'Namgis was by far the largest First Nation in the group, with more than 1,700 members.

"We decided that in order for the 'Namgis to move ahead that we should have our own table," says Cranmer. "We've done the work. We want to move forward. But we are still waiting for the provincial government to appoint a chief negotiator and for both governments to obtain specific mandates for our table. The government strategy seems to be focused on final-agreement negotiations at other tables and I believe this has affected the negotiators' ability to work with us to finalize agreement-in-principle negotiations."

The 'Namgis expect gains will come through greater participation in fishing and forestry and participation in hydroelectric projects and through partnership projects that will generate revenue and provide employment.

"I think these partnerships are coming into place because we are in the treaty process and because both governments have recognized that this is our territory," says Cranmer. "An example of these partnerships is our relationship with Polaris Minerals. The company consulted with us before they started exploration for sand and gravel in our territory. When they found something they asked for our permission to do some drilling. At that time we started talking about a partnership and now we are equity partners in the project.

"Another good example is our partnership with the Brookfield Power Corporation. Prior to developing the project Brookfield representatives wanted to develop a relationship with 'Namgis. This has resulted in another equity partnership in our territory that balances our need for sustainable economic development while ensuring that our cultural and environmental goals are maintained.

"We continue to seek partnership arrangements with other resource development companies operating in our territory, including the forest companies," he says.

Economic development projects being planned will result in more revenues for the 'Namgis government, which will be reinvested to further economic development and to provide more housing and better services for 'Namgis people.

"We're going to have a 'Namgis government which will include the hereditary chiefs of the 'Namgis. The hereditary chiefs of the 'Namgis are the keepers of our history and culture and a vital part of a successful 'Namgis government."

Cranmer says the 'Namgis Nation will not lose sight of language and culture, which is and has been, a priority.

"We've been operating our school for over 20 years now. Initially, we started the language and culture program in our school. We were getting about $30,000 from the federal government

and we contributed over $100,000 per year, for well over 10 years. That resulted in an expenditure of more than $1 million from our budget, which we really didn't have but we felt that it was a necessary priority. The results were very good. We have young people that start off in our school that are now really good singers. They are still learning the songs.

"Our language is an important part of our culture. Kwak'wala is an endangered language. We need to invest a lot of resources to start saving the language so it won't disappear. While I believe that the federal government needs to take some responsibility on this front, it is my hope that our investments in economic development activities will also help provide the resources we need to sustain the Kwak'wala language."

Through negotiation of the treaty the 'Namgis expect to be able to more fully support efforts in language and culture. Cranmer says the chiefs have always had to choose between health and culture, or housing and culture.

"Of course there is such a shortage of housing, it's just a no-brainer. We need the houses."

The 'Namgis Nation has an accord with the Village of Alert Bay, which has resulted in a $7 million wastewater site. The two governments each have two representatives on a development board that meets regularly to talk about common issues. Chief Cranmer says that a 'Namgis treaty will provide benefits not only for his people but will be a major contributor to economic renewal on north Vancouver Island.

Brian Svanvik, a 'Namgis youth and the 'Namgis GIS technician, says, "One of the biggest things I've seen that's changed is the way people act."

Svanvik says that of students attending grades 8 to 12 in Port McNeil, about 15 graduated over a five-year period. "Last year alone we had 14 students graduate from grade 12.

"There are a lot of younger people around my age that left school and had trouble finding jobs. There are a lot more jobs now. There are opportunities everywhere. But you have to have training.

"When I grew up I was never involved with my culture, family, or the potlatch. They began potlatching a little bit more. We got more involved in it, my mom, my aunties. And I started to dance there. So, I fell more in love with that, taking a lot more responsibilities with my family, taking care of my family. It's changed a lot from the past because there is more awareness. Some of my family didn't even bother; they didn't come home for potlatch. Now, they're the first ones up here, taking time off from work to come up here."

Squamish Nation

Sixteen Squamish speaking tribes came together in 1923 to save their land from other governments, developers and railroad builders.

The amalgamation of tribes into the Squamish Band – after 10 years of discussions among the leaders of the day – was intended to stem the loss of reserve land to the growing city of Vancouver, District of Squamish and the many railway projects of the period. Together, the tribes put 6,732 sq. km of their traditional territory into common ownership – an area ranging from Vancouver to Gibson's Inlet and including the Squamish watershed.

"I think that was one of the greatest moves in the history of our people," says Squamish Chief Gibby Jacob. "Coming together to form the Squamish Nation and putting all the land in one pot, to be held in common."

Those decisions provide an insight into what the Squamish are all about – finding the alternatives in difficult situations. To suggest that the Squamish Nation is in a difficult situation today might be hard for some people to understand. They have approximately 3,500 members, with 2,200 living on reserve; an annual budget approaching $46 million; and significant projects slated for the next 20-30 years. The Squamish Nation generates 75 cents of every dollar in spending, provides a range of services on reserve (for example, elder care), employs approximately 350, or 10 per cent of its own people, negotiates its own lease arrangements and collects its own rents.

Squamish territory is where many British Columbians live, work and play. The territory is rich in natural resources and plays host to Whistler/Blackcomb, the province's premier ski and alpine resort. The Squamish are partners with the governments of BC and Canada, Resort Municipality of Whistler and VANOC in the 2010 Vancouver Olympics.

Simply put, the Squamish are one of the largest and most economically successful First Nations in BC. The Squamish use their enviable location in the Lower Mainland for the benefit of their membership and economic development is one of their current focuses.

The Squamish Nation has recently moved into the area of taxation and municipal-type bond issues to generate revenue, finance projects and for infrastructure. While the economic health of the Squamish Nation is important, Chief Jacob says it is not only about dollars and cents.

"There has been nothing more of a detriment to our people than the *Indian Act*," says Jacob. "Because that has allowed them to do everything, including residential schools, including keeping us from being empowered, including keeping us in the boxes called reserves today.

"It's always been the view in our community that's a big albatross to wear around your neck," he continues. "Because if you allow it to, it will just keep you there forever. So, our view is let's look at all the alternatives, let's lead the charge where we can."

And lead the charge, they have.

Since contact, Squamish territory has been under constant pressure from a growing metropolis – there are bridges, highways, power plants and railways throughout the area – and industry. Protecting Squamish history, culture and traditions is important, especially as those pressures increase.

To do this, the Squamish conducted an Aboriginal Interest Use Study. For the study, elders were asked to identify traditional values, interests and uses of Squamish territory and resources and community members were asked to define their position on land use in the territory, from hunting and gathering to sacred sites and wild spirit places. The resulting map has been

"We're going out and getting our destiny."

one of the most effective tools the Squamish have developed. It not only confirms the Squamish's history in the area, but also provides a clear sense of what areas are important to the Squamish people today and why.

"It is important to know what the past was and to know what the present is," says Jacob. "One of the things we need our people to say is we still hunt here, we still gather here, we still do this here. The people have quantified it and said that this is our view of the land."

More importantly, the map provides quantifiable information usable in any land use planning processes and resource management planning conducted by the province in Squamish territory.

The reasoning behind many of Squamish's initiatives is simple.

"By us being out in front, we've always believed that we can put the bar very high and make the government respond," says Jacob.

Then there is the New Relationship with the province.

"We need a change in this province and not many people have had the desire to do that," says Jacob. "Much to his credit, Premier Campbell has adopted a new and positive approach to First Nations relations."

The Squamish Nation recently hosted Indian and Northern Affairs Minister Jim Prentice, Premier Campbell and then Minister of Aboriginal Relations and Reconciliation Tom Christensen to announce a new era in First Nation education. Jacob says the Squamish need to control, at least in the short term, who the educators are, how many students there are, the curriculum, the school hours and the other services that are provided to the members that allow them to reach their capacity of development.

The Squamish Nation now has significant interests in its lands and resources – through tree farm licences, leases, or outright ownership of fee simple land in their traditional territory.

Treaties, however, remain an outstanding issue for the community. The Squamish are in Stage 3 of the treaty process and have been since 1995. The Squamish assert aboriginal right and title to the land and waters that constitute their traditional territory, the rights to the resources in that territory and the inherent right to self-determination. They are committed to reaching an agreement that constitutionally protects Squamish aboriginal rights and title, while providing certainty and definition to those rights and title.

The Squamish do not think that is currently possible in the BC treaty process. To succeed, the parties must live up to the intent and purpose of what the process is. And according to the Squamish that hasn't happened.

"The connotation for First Nations is that in a treaty all things and parties are equal," says Jacob. "Through negotiations, you're not asking one party to give up more than they get. When you sit down in negotiations, it's 'I want something from you, you want something from me. How do we get to the middle?'

"But I just haven't seen this happening in this process," continues Jacob. "Where I see things now and what I've heard as far as reports go, I'd be hard pressed to tell my membership you're going to have to give up your income tax, your Indian Status and everything. And what are we getting for it? Gee, it's not a hell of a lot."

And until the Squamish see that equality at the table, they will continue to look at all options to attain self-sustaining socioeconomic betterment for Squamish people.

Nisga'a Nation

The Nisga'a people have a long history of seeking to negotiate their way into Canada, of wanting to become full participants in the social, political and economic life of the country.

The Nisga'a treaty makes their long-awaited goal possible. Following more than a century as wards of the state, the Nisga'a people, empowered by the self-government provisions of their treaty, are rebuilding their nation.

They are taking control of their destiny once again.

"The *Indian Act* was in our lives for approximately 131 years," says Nisga'a Lisims Government Chairperson Kevin McKay. "Compare that to the history of the Nisga'a Nation: our oral stories tell us that we've been here since the beginning of time."

Throughout that time the Nisga'a survived with a culture and language and a way of living that always met their needs.

"The *Indian Act* was here for 131 years and it did a lot of damage," says McKay. "The demand of our people, especially our hereditary chiefs, matriarchs and respected elders, was that we achieve recognition of the land question in a just and honourable way. To us, we interpreted that to mean on our own terms and conditions, not another prescription."

The Nisga'a final agreement is unique in that it is a comprehensive agreement. McKay says people have to think of it that way when they try to evaluate what it represents.

"It goes far beyond the land quantum and capital transfers. So, when you look at the treaty in that light I think you will see that the opportunity is there for the Nisga'a Nation, collectively, to achieve whatever they want."

McKay says there are a lot of indirect benefits and intangibles that aren't readily apparent when people look at the treaty.

"One of the promising areas of the treaty all along, as we negotiated it right from the days of the framework agreement through the agreement in principle, through the final agreement was the inclusion of a constitutionally protected self-government provision. It was the vehicle we would use to re-empower the Nisga'a Nation."

The Nisga'a saw the treaty as an opportunity to have a direct influence on the development and the ongoing evolution of what was termed government-to-government relationships.

"One of the statements that we made to our people in an effort to get them to appreciate what the treaty really represented was the treaty is not a book of promises, the treaty is a book of opportunities whose full potential can only be realized over the course of time and with a concerted effort."

Through the Nisga'a final agreement, the Nisga'a have achieved:

- Ownership of and legal jurisdiction, over 2,000 sq. km of Nisga'a lands;
- $280 million in adjusted dollars in capital transfers over 14 years;
- $38 million annually for the operation of Nisga'a government for a five-year term;

- Rights to hunting for food, social and ceremonial purposes over 16,000 sq. km of land and the right to enact laws to regulate the hunt;
- Rights to fish for food, social and ceremonial purposes over 26,000 sq. km of land, the right to establish and operate a commercial fishery and the right to enact laws to regulate the fishery;
- Repatriation of sacred artifacts from the federal and provincial governments; and
- The inherent right to self government as set out in the treaty that defines jurisdiction and law making authority in the areas of lands, language, culture, education, health, child protection, traditional healing practices, fisheries, wildlife, forestry, environmental protection and policing and the relationship of those laws to federal and provincial jurisdictions.

McKay says the treaty accomplishes five main principles that have been the goals of the Nisga'a people for a long time.

First of all the treaty resolves the land question, an important issue for the Nisga'a Nation.

"It was never a land claim because in the infinite wisdom of our forbearers we weren't claiming the land," says McKay. "It was already there as a gift from the Creator when the non-Nisga'a first appeared in our territory. So, to them it was a question about the land. How could we share this land, bountiful in resources and natural beauty? And how could we co-exist in a peaceful civilized way?"

Second, the treaty is a comprehensive agreement that includes the right of self government. Throughout their history the Nisga'a have always maintained that their ownership of the land must go hand in hand with their governance over the land.

Third, the *Indian Act* no longer applies and has no application to the Nisga'a Nation or its citizens, except that part which is for the purpose of determining whether an individual is an Indian within the meaning of the *Indian Act*.

Fourth, the treaty achieves reconciliation of Nisga'a rights on their terms within the Canadian constitutional framework. The Nisga'a Nation had never accepted the longstanding federal policy of exchanging treaty rights through extinguishment. The Nisga'a treaty was able to provide a more clear definition of the aboriginal rights that flow from aboriginal title.

Fifth, the Nisga'a have the right to continue to have jurisdiction over their language and culture.

Probably the most sensitive issue the Nisga'a have had to deal with since the treaty came into effect is the consideration of the annual budget of the Nisga'a Nation.

McKay says it's all about priorities and how the 37 representatives in the Nisga'a Lisims Government House come to an agreement on what those priorities will be for coming year.

"We've evolved to a point where, thanks to the leadership in senior management and in particular our finance department and obviously our secretary treasurer who oversee all of that, we have a bottom-up process right from the preliminary stages, through to the drop-dead date when the legislation prescribes that certain milestones be met.

"Sayt-K'ilim-Goot."

One heart, one path, one nation.

"That was a very trying exercise in the first two or three years, a very emotional, highly charged debate. Well, that's become a much more refined and productive process now at all levels. It's more inclusive: it engages the communities and it is an example to each citizen of their responsibility to contribute to how productive or how positive their government can be.

"If we can trust each other on something as important to our communities as the budget of the nation and where the respective communities fit into that budget, then we should be able to trust each other," says McKay.

McKay says they underestimated the negative impact of the *Indian Act* and just how long it would take to undo that.

"Our experience has taught us that we were a bit ambitious in thinking that change would happen more quickly in this area. Indeed, a little more than six years into our experience and we still encounter the frustration of having to remind the federal and provincial governments of the new rules of the game under the Nisga'a final agreement, that we are no longer an *Indian Act* band council, that we are no longer a *Societies Act* tribal council, that we are a legal entity, both through Nisga'a Lisims Government on behalf of the nation and in each of the four Nisga'a villages. We have our own legal identity and all of those other key hallmarks of a self-governing people."

Nisga'a government is composed of Nisga'a Lisims Government and four village governments. The Nisga'a Nation acts through Nisga'a Lisims Government, which consists of executive and legislative branches, as well as a Council of Elders. Nisga'a government is representative and responsible to its citizens. Nisga'a citizens elect the president, chairperson, secretary-treasurer and the chairperson of the Council of Elders at large.

Auditor-General of Canada Sheila Fraser brought a smile to the faces of the Nisga'a leaders when she confirmed what they had been saying about the federal government and provincial government tendency to attend to the letter of the law in interpreting the terms of the treaty and their obligations, as opposed to the more productive spirit and intent of what was negotiated in these agreements.

"I think the common message has to be that senior governments must pay a little more attention to what they actually signed on to and I think put a little more effort into working with the treaty nation in realizing the full potential of these opportunities," said McKay. "And here we are dragging along our partners, the provincial and the federal governments, quite reluctantly to meet their obligations."

The expectations for the Nisga'a Nation are clearly expressed in their vision statement.

Nisga'a Vision Statement

Our Ayuuk, language and culture are the foundation of our identity.

Learning is a way of life.
Education will be one of the means to prepare us for the changing world and future. Additionally, we have been open in stating that we will make mistakes and at the same time, we have said that we can correct those mistakes. Accordingly, we will continue to evolve for good government;

We strive for sustainable prosperity and self-reliance.
Through hard work, planning and our common bowl philosophy we can achieve good management practices regarding our resources while achieving planned economic development and the conservation of these resources for future growth;

We inspire trust and understanding through effective communications. And we will continue to engage our citizenry;

Our governance and services evolve to meet our peoples' needs.
Access to a range of information enables our people to participate in public life, help determine priorities for public spending, receive equal access to justice, and to hold our elected members accountable.

Over the past six years the Nisga'a have learned that it does not pay to wait for a land claim or treaty. They have learned that aboriginal peoples must work to build a better future while they work to secure a settlement. It is crucial to invest in and encourage, occupational training, which ensures the rights skills are available to the nation.

The Nisga'a are working to build their economic base and train their people now, a process they say they should have started long ago. Their advice is not to wait for treaties to solve the problems First Nations face today, not to postpone taking action, but to improve and build capacity now.

Nisga'a President Nelson Leeson, speaking to a predominantly First Nation audience in Gatineau, Quebec earlier this year said, "For those of you who are still at the treaty table, negotiate hard to get the best settlement possible for your communities. However, work just as hard – or harder – to prepare for the day after.

"Spend as much or more time on self-criticism and self-evaluation as you do criticizing the other side. Land claim settlement is a just cause, but do not rest on that virtue. One day, the long journey to settlement will be over. Will you be ready?

"We have to roll up our sleeves and get to work. In terms of development, aboriginal people are so far behind it is going to take generations to catch up. We need to ask more of ourselves and our children, not less. We need to establish and hold ourselves to a higher standard, not cling to old grievances.

"The implementation stage is when the spotlights go up and the eyes of the world are upon you. Fair or not – as far as the rest of society is concerned all the roadblocks to success have been removed."

Progress Reports

57 **First Nations are participating in the BC treaty process at**

47 **negotiation tables**

Lheidli T'enneh Band
Maa-nulth First Nations
Sechelt Indian Band
Sliammon First Nation
Tsawwassen First Nation
Yale First Nation
Yekooche Nation

Carcross/Tagish First Nation
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Da'naxda'xw Awaetlatla Nation
Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala-'Nakwaxda'xw Nation
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
In-SHUCK-ch Nation
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket Treaty Council
Kwakiutl Nation (in suspension)
Laich-Kwil-Tach K'omoks Council of Chiefs
Lake Babine Nation
Musqueam Nation
'Namgis Nation
Nazko Indian Band
Northern Shuswap Tribal Council Society (formerly Cariboo Tribal Council)
Nuu-chah-nulth Tribal Council
Oweekeno Nation
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:Lo Nation
Taku River Tlingit First Nation
Te'Mexw Treaty Association
Teslin Tlingit Council
Tlatlasikwala Nation
Tsay Keh Dene Band
Tsimshian First Nations
Tsleil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation

Cheslatta Carrier Nation
Hupacasath First Nation
Squamish Nation
Tlowitsis Nation

Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Council of the Haida Nation
Liard First Nation
McLeod Lake Indian Band
Ross River Dena Council

Acho Dene Koe First Nation

The Treaty Commission is awaiting a response from the BC Government, which is assessing its position regarding transboundary negotiations with the Acho Dene Koe. The First Nation entered the treaty process in November 2000 and is in Stage 2 of the six-stage process.

Acho Dene Koe has approximately 550 members and is located in Fort Liard, Northwest Territories, 25 km north of the BC border. Acho Den Koe has traditional territory on both sides of the border.

Allied Tribes of Lax Kw'alaams

The Allied Tribes of Lax Kw'alaams, formerly part of the Tsimshian Nation, separated in spring 2004. In June 2005 the Treaty Commission received the Statement of Intent of the Allied Tribes of Lax Kw'alaams. In July 2005 the parties had their initial meeting and are completing their Stage 2 readiness requirements.

Located northwest of Prince Rupert, the Allied Tribes of Lax Kw'alaams have a population of approximately 3,000.

Carrier Sekani Tribal Council

The Carrier Sekani Tribal Council is engaged in internal discussions within and among its communities with a view to returning to tripartite negotiations.

Carrier Sekani Tribal Council, northwest of Prince George, represents eight communities: Wet'suwet'en First Nation, Burns Lake Band, Nadleh Whut'en Band, Nak'azdli Band, Saik'uz (Stoney Creek) First Nation, Stellat'en First Nation, Takla Lake First Nation and Tl'azt'en Nation. The combined membership of the council is approximately 6,000.

Cheslatta Carrier Nation

The Cheslatta treaty table remains inactive as the parties have not engaged in tripartite negotiations since 1997.

A First Nation of approximately 300 members, Cheslatta traditionally occupied and used the areas surrounding Ootsa and Eutsuk lakes in central British Columbia.

Council of the Haida Nation

Since the Supreme Court of Canada rulings in *Haida Nation v. B.C. and Weyerhaeuser* the Council of the Haida Nation and BC government have been in negotiations on an agreement to implement the key aspects of the case, including land protection, revenue sharing and a Haida role in land use planning. Prior to this, the parties were exploring whether there is basis for engaging in tripartite treaty negotiations and will likely continue these discussions as these other events unfold.

The Council of the Haida Nation continues to pursue its aboriginal title case over the whole of Haida Gwaii (Queen Charlotte Islands).

Located on Haida Gwaii, the council has 3,900 members.

Ditidaht First Nation / Pacheedaht Band

Negotiations have continued throughout the past year with a focus on fish, wildlife, parks and, more recently, forestry and subsurface resources. The Treaty Commission is actively facilitating these negotiations. The First Nations have also been working with other Vancouver Island First Nations to address key mandate issues on a more concerted political basis.

Ditidaht and Pacheedaht have been negotiating at a common table since 1997. Ditidaht, located near Nitinaht Lake, has approximately 690 members, while Pacheedaht, with approximately 260 members, is based at Port Renfrew. The First Nations' traditional territories span the southwest corner of Vancouver Island.

Esketemc First Nation

Progress at the Esketemc table has been steady this past year. The parties are preparing for a public main table meeting in the fall. Four chapters have been identified for substantial completion and discussion at the fall main table process for approval of the agreement in principle, dispute resolution, implementation and culture, language and heritage. Other chapters where progress has been made include migratory birds and wildlife.

Esketemc has completed work over the past year on land identification through funding provided for treaty-related measures. This work will inform discussions at the table on Esketemc's interests in land and natural resources. Negotiations on the lands chapter and other related chapters such as forestry, subsurface resources and water are at varying stages of completion. New chapters being introduced this fall include eligibility and enrolment, and ratification.

The parties continue to meet regularly, primarily in Esketemc traditional territory, near Alkali Lake to the southwest of the Williams Lake area. Esketemc has approximately 700 members.

Gitanyow Hereditary Chiefs

In March 2006 the parties met to review existing mandates and identify any substantial changes that would allow the table to move forward. The parties determined they would not resume negotiations in the immediate future. Instead, the Gitanyow will monitor the New Relationship initiative undertaken by the BC government and its impact on treaty negotiations. In addition, the Gitanyow will be watching for the newly elected federal government to make changes to its mandate. The parties agreed to meet again in the fall of 2006 to see if changes allow the table to move forward.

Gitanyow's traditional territory spans the middle reaches of the Nass River. The First Nation has approximately 700 members.

Acho Dene Koe First Nation

Allied Tribes of Lax Kw'alaams

Carrier Sekani Tribal Council

Cheslatta Carrier Nation

Council of the Haida Nation

Ditidaht First Nation/ Pacheedaht Band

Esketemc First Nation

Gitanyow Hereditary Chiefs

*Maps are representational only and not to scale.

Gitxsan Hereditary Chiefs

Negotiations at the Gitxsan table are continuing despite significant differences among the parties relating to the Gitxsan traditional system of governance as it applies to land and resource issues.

Gitxsan traditionally occupied and used the land and water around the upper reaches of the Skeena and Nass Rivers. The First Nation includes all or part of the populations of Gitanmaax Band, Gitwangak Band, Kispiox Band, Gitsegukla Indian Band and Glen Vowell Indian Band and comprises approximately 5,600 members.

Haisla Nation

The parties at the Haisla table agreed earlier this year to temporarily stay negotiations. This will enable Haisla to pursue business opportunities and other priorities. In December 2005, before the pause in negotiations, the Haisla presented their land proposal to Canada and BC. Negotiations are expected to resume early this fall.

The First Nation has approximately 1,450 members, with traditional territory in the Kitimat area and the north coast.

Hamatla Treaty Society
(Laich-Kwil-Tach K'omoks Council of Chiefs)

Hamatla has worked through a number of challenges related to its internal organization over the past year and has now developed a cohesive vision for negotiations. Hamatla has presented a number of chapters to the governments of Canada and BC and the parties have adopted a common approach on negotiating a tripartite draft agreement. Issues for continued focus include fisheries, lands, forestry, culture and governance.

The Hamatla Treaty Society comprises four nations, K'omoks, Kwiakah, Wei Wai Kai and Wei Wai Kum. Traditionally, these First Nations occupied and used the lands and water around Campbell River, Courtenay and Comox, including parts of Knight, Call, Loughborough, Bear and Toba inlets. Their collective population is approximately 1,800 members.

Heiltsuk Nation

There have been no negotiations since 2001.

Heiltsuk's traditional territory spans the central coast. The First Nation, based on Campbell Island, has approximately 2,070 members.

Homalco Indian Band (Xwemalhkwu)

Negotiations between the parties at the Xwemalhkwu table have continued over the past year with the Treaty Commission taking an active facilitation role. Negotiations have focused on fish and culture and heritage. The parties had hoped to make significant progress on these draft chapters, but disparate visions on key issues remain.

Some progress worth noting includes the establishment of a working group on fish. The parties have also decided to put aside the culture and heritage chapter for the time being and plan to begin negotiations on new chapters, including forestry and subsurface resources. Other chapters that had been worked on previously will also be brought back to the table this fall. These include parks and intergovernmental relations.

Apart from tripartite negotiations, Xwemalhkwu has been actively engaged in initiatives that will assist them in negotiating and implementing their treaty. Through their participation in initiatives such as the Central Coast Land and Resources Management Plan, the Turning Point Initiative and comprehensive community planning, Xwemalhkwu is building capacity and fostering relationships with neighbouring First Nations and local, regional, provincial and federal governments on a number of issues related to land and resource management in their traditional territory.

Xwemalhkwu numbers approximately 430 members. Their traditional territory is centred on Bute Inlet and includes Campbell River in the southwest and Chilko Lake in the northeast.

Hul'qumi'num Treaty Group

This year the Hul'qumi'num Treaty Group has focused intensely on treaty negotiations: there have been over 33 separate main table sessions and another four technical working groups sessions. The parties reached significant agreement in process chapters such as ratification and *Indian Act* transition and exhaustively discussed substantive chapters, including governance, eligibility and enrolment, BC Parks and water. Despite these efforts, there remain significant gaps between the parties that must be resolved in order to reach a comprehensive agreement in principle.

The Hul'qumi'num have also undertaken initiatives that are supportive of their treaty work. The Hul'qumi'num formed a new management and planning committee with Parks Canada to address issues of consultation and accommodation in the Gulf Islands National Park Reserve. They also concluded negotiations with the archaeology branch to improve Hul'qumi'num input and involvement in the archaeological permitting process. Finally, they are working with local governments to conclude a political accord to better plan for and communicate about the protection of heritage sites.

The Hul'qumi'num Treaty Group represents approximately 6,300 people and six communities: Chemainus, Cowichan Tribes, Halalt, Lake Cowichan, Lyackson and Penelakut (with which the Hwlitsum community has an historical association). The First Nation's traditional territory encompasses the area around Duncan, north to Ladysmith, east to the Gulf Islands and the lower Fraser River and west to Cowichan Lake.

Hupacasath First Nation

The framework agreement, which identifies the issues for substantive negotiation, awaits final signature by the federal government. In the meantime, the parties are continuing to negotiate and make progress. The Treaty Commission formally declared the Hupacasath table ready for Stage 3 framework agreement negotiations in April 2006.

Numbering approximately 250 people, the Hupacasath First Nation is located in the Port Alberni area.

Gitxsan Hereditary Chiefs

Haisla Nation

Hamatla Treaty Society (Laich-Kwil-Tach K'omoks Council of Chiefs)

Heiltsuk Nation

Homalco Indian Band (Xwemalhkwu)

Hul'qumi'num Treaty Group

Hupacasath First Nation

In-SHUCK-ch Nation

The parties to the In-SHUCK-ch table initialled an agreement in principle in July 2006 and anticipate approval of the agreement in late fall. Terms of the negotiated agreement include a capital transfer of $21 million, provincial Crown land of 13,208 hectares, existing Indian Reserve lands of 1,310 hectares and additional fee simple land to be purchased on a willing seller, willing buyer basis.

The In-SHUCK-ch Nation traditionally occupied and used the land south of the Lillooet area and has approximately 840 members.

Kaska Nation

These negotiations remained stalled throughout 2006 due to ongoing litigation by some Kaska communities. This litigation has resulted in the Government of Canada suspending negotiations. The parties have attempted to negotiate an abeyance of the litigation in order to resume negotiations. In the interim, the Kaska continue to develop joint ventures with local companies and to work with various ministries on resource management and planning in Kaska traditional territory.

The Kaska Nation communities continue to support the Northern Nations Alliance, a First Nations-only treaty alliance with eight other northern nations and organizations with traditional territory in northern BC, the Yukon and Northwest Territories.

The Northern Nations Alliance is at work on a broad mandate that includes joint planning and management initiatives for economic development, resource management and land use planning and education as well as negotiating agreements with First Nations, public governments and industry.

Kaska Nation includes Kaska Dena Council, Liard First Nation and Ross River Dena Council with a combined membership of approximately 3,000. The First Nation's traditional territory ranges from north-central BC to the Yukon and Northwest Territories.

Katzie Indian Band

Negotiations toward an agreement in principle at the Katzie table continue, with the parties meeting several days each month. While a significant number of chapters are under negotiation, target dates for achieving an agreement in principle have not been identified. With land and natural resource negotiations scheduled to intensify in 2007 and technical working groups established on issues of fish, lands and fiscal/tax, the parties will have the opportunity to address some of the more challenging issues in treaty negotiations over the coming year.

Katzie has established a reputation as a leader in relationship building and public education. Katzie offers public education sessions to schools, church and business groups and other interested parties. Katzie is also an active participant in the recently established Lower Mainland Roundtable, facilitated by the Treaty Commission, which aims to bring together the five Lower Mainland First Nations with local and regional government officials in an effort to establish effective communication and cooperative working relationships.

Katzie members number approximately 460 and traditionally used and occupied the land and water around Pitt Lake, Pitt River, Surrey, Langley, New Westminster and Vancouver.

Klahoose Indian Band

Although there has been a tripartite meeting facilitated by the Treaty Commission to explore common ground for negotiations, no negotiations have taken place over the past year. The Klahoose treaty team continues to consult with the Klahoose community with the aim of reaching a decision on next steps this fall.

Klahoose has approximately 290 members and a traditional territory on the mainland opposite Campbell River.

Ktunaxa/Kinbasket Treaty Council (KKTC)

The Ktunaxa/Kinbasket table continues to move forward in the completion of chapter language. This table continues to make progress on key topics, notably land and land use planning. There is a collaborative approach to chapter negotiations and to addressing obstacles, which ensures the parties are aware of outstanding issues. KKTC is structured as a citizen-based organization that takes its direction from its members.

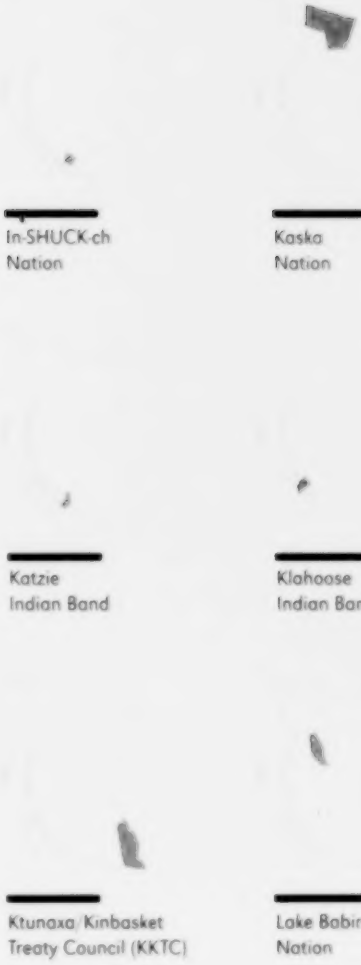
The Ktunaxa/Kinbasket Treaty Council has approximately 1,150 members and includes the members of the Lower Kootenay Band, Columbia Lake Band, Shuswap Indian Band, St. Mary's Indian Band and Tobacco Plains Band. The traditional territory extends from Columbia River south to Missoula, Montana, west to Bonner's Ferry, Idaho, north to the Upper Arrow Lakes area of British Columbia and east to the Rocky Mountains.

Lake Babine Nation

Internal organization continues to be the focus of the Lake Babine treaty team. Some positive steps were taken this year, including hiring an interim chief negotiator and treaty manager and identification of members for the community and main treaty advisory boards. Orientation for advisory board members and work on internal protocols, guidelines and roles/responsibilities has been accomplished. Lake Babine has also identified priority issues for negotiation and is developing a mandate document for community approval in late summer/early fall 2006.

It has been a number of years since tripartite negotiations have occurred at the Lake Babine table. Initial meetings were held earlier this year between Lake Babine and each of the Crown parties to determine how the parties might plan for re-engagement. Follow-up meetings are scheduled for early this fall.

Lake Babine Nation represents members from five communities: Wayenne, Old Fort, Tachet, Donald's Landing and Fort Babine. The population is approximately 2,180. Their traditional territory is centred on Lake Babine, to the northeast of Burns Lake.



In-SHUCK-ch Nation

Kaska Nation

Katzie Indian Band

Klahoose Indian Band

Ktunaxa/Kinbasket Treaty Council (KKTC)

Lake Babine Nation

Lheidli T'enneh Band

The Lheidli T'enneh table has concluded negotiations on the first final agreement in the BC treaty process. The agreement is now being considered for ratification by each of the three parties. Terms of the agreement include self-government, $27 million in one-time funding, $400,000 per year in revenue sharing for 50 years, 4,330 hectares of treaty lands, 107,000 cubic metres in long-term wood supply, 9,000-10,000 sockeye for food, social and ceremonial purposes annually (depending on run size) and 6,000 sockeye, which would be available for sale in years when there is a commercial fishery.

The Lheidli T'enneh traditionally used and occupied the land and water around Prince George, including the Nechacko and Fraser River area to the Alberta border. Today, the First Nation has approximately 300 members and 685 hectares of reserve land just outside Prince George.

Maa-nulth First Nations

The parties at the Maa-nulth table have been negotiating intensively to reach a treaty and have made significant progress in reaching that objective. The Treaty Commission has been active in facilitating these negotiations.

The Maa-nulth First Nations are Ucluelet, Huu-ay-aht, Toquaht, Uchucklesaht and Ka:'yu:'k't'h'/Che:k'tles7et'h', with a total population of approximately 2,000. They were until 2003 part of the Nuu-chah-nulth treaty table. The traditional territories of the Maa-nulth nations are concentrated in the Barkley Sound area and towards the northwest end of Vancouver Island.

McLeod Lake Indian Band

There have been no negotiations this year. When the First Nation entered the treaty process in February 2004, it was anticipated that negotiations within the BC treaty process would build upon the McLeod Lake Treaty 8 Adhesion and Settlement Agreement that was finalized in 2000.

The MacLeod Lake Indian Band currently has approximately 420 members, with the main community located 150 km north of Prince George.

Musqueam Nation

The parties at the Musqueam table signed a framework agreement in April 2005. Negotiations have proceeded slowly as the parties have been in litigation over three important disposals of and developments on Crown lands in Musqueam's traditional territory. Musqueam has achieved declarations of a Crown duty to consult and possibly accommodate its interests in all three of these court actions and is currently in negotiations to determine the scope and content of the duty to consult and accommodate with respect to these lands.

The First Nation has approximately 1,160 members, with traditional territory spanning the Greater Vancouver area.

'Namgis Nation

This year the parties made significant progress towards achieving an agreement in principle. Soon the table will tackle such issues as fisheries and governance. In May 2006, the 'Namgis signed an historic provincial parks agreement with the BC government. The agreement covers seven provincial parks and four ecological reserves and represents management of approximately 20 per cent of 'Namgis traditional territory.

The 'Namgis are centred on Alert Bay with traditional territory stretching west and south from Port McNeil. The First Nation has approximately 1,500 members.

Nazko Indian Band

In early 2006, the parties changed their approach to developing chapter language, with the intention of identifying and prioritizing outstanding issues. Work continues on lands, fish and forestry chapters. The parties continue to meet regularly.

Nazko, with traditional territory northwest of Quesnel and south of Prince George, comprises approximately 310 members.

Northern Regional Negotiations

The Northern Regional Negotiations table comprises the Champagne and Aishihik First Nations, Carcross/Tagish First Nation, Taku River Tlingit First Nation and Teslin Tlingit First Nation. With the exception of Taku River Tlingit, whose traditional territory lies predominantly in British Columbia, these First Nations have negotiated land claims agreements with

the Yukon government. All of the members of the Northern Regional Negotiations table have transboundary claims, that is, claims to land and resources that span the British Columbia and Yukon border. This table has not met since spring 2003 when the BC government announced it would not return to tripartite negotiations until it had reassessed its mandate for transboundary negotiations.

The Treaty Commission brought the chief negotiators for the three parties to the table in December 2005 to try to ascertain whether there was some ability to move forward in negotiations. The parties agreed that a political solution is needed and discussed options for addressing the impasse.

In the absence of tripartite treaty negotiations, the Taku River Tlingit are focusing their efforts on pursuing their interests in land and natural resources through land use planning and joint decision-making initiatives, interim measures and other agreements and protection of traditional lands from third party alienation.

The First Nations at the Northern Regional Negotiations table represent approximately 2,160 members who traditionally used and occupied the lands in southwest Yukon and northwest British Columbia.

Northern Shuswap Tribal Council Society (formerly Cariboo Tribal Council)
Also referred to as the people, Northern Secwepemc te Qelmucw (NStQ)

Negotiations at the NStQ table continue, with an agreement in principle targeted for spring 2007. Community education and consultation are important activities for the NStQ as they move towards substantial completion of its agreement in principle.

A number of the draft agreement-in-principle chapters are at or nearing substantial completion. These include forestry, environmental assessment and protection, culture and heritage, fisheries, migratory birds, ratification, implementation, approval of the agreement in principle and governance. Good progress has been made on the lands chapter. However, the status of NStQ lands and negotiations on the amount of land to be included in an agreement have yet to begin. Parks and protected areas, wildlife and water are some of the key chapters currently being negotiated.

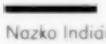
Lheidli T'enneh Band

Maa-nulth First Nations

McLeod Lake Indian Band

Musqueam Nation

'Namgis Nation



Nazko Indian Band

Northern Regional Negotiations

Northern Shuswap Tribal Council Society (formerly Cariboo Tribal Council)

NSTS represents the approximately 2,000 people of NStQ ancestry from four member communities in and around the Williams Lake area: Williams Lake Band (Sugar Cane), Soda Creek Band (Xatsu'll First Nation), Canoe Creek Band and Canim Lake Band (Tsqescen).

Nuu-chah-nulth Tribal Council

There have been no negotiations at this table since mid-2005, with the First Nation's focus being on internal restructuring. The Nuu-chah-nulth have, however, been working with other Vancouver Island First Nations with a view to addressing key mandate issues on a more concerted political basis.

The First Nation comprises Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht, Tla-o-qui-aht and Tseshaht First Nations, with a combined population of approximately 5,500 people. The traditional territories of these First Nations span the west coast of Vancouver Island from Barkley Sound to Kyuquot Sound.

Da'naxda'xw First Nation (Wuikinuxv)

Wuikinuxv had expected to be undergoing community consultations and to ratify their comprehensive agreement in principle during the summer. However, because of a number of obstacles in negotiations in the past year, the parties are now looking to late 2006 or early 2007 to conclude an agreement in principle.

Some progress has been made in understanding and developing a potential land package for Wuikinuxv. However, significantly disparate visions between Wuikinuxv and the other governments remain on land and other key issues.

Wuikinuxv is interested in advancing community development and capacity building. To this end, preliminary discussions with the Treaty Commission on comprehensive community planning initiatives have taken place. Wuikinuxv is also exploring strategic partnerships and opportunities outside the treaty process to address some immediate concerns with respect to the use of lands and resources throughout the traditional territory.

The completion in August 2005 of the House of Nuakawa at their community at the head of Rivers Inlet is a great accomplishment for the Wuikinuxv and provides their approximately 246 members with a place to celebrate with their ancestors and revive their social, political and cultural traditions.

Sechelt Indian Band

Despite efforts in 2005, there have been no discussions this year with the Sechelt Indian Band about re-engaging in treaty negotiations. Sechelt has been self-governing since 1986 when it signed the first self government agreement in Canada, the Sechelt Indian Band Self-Government Agreement. Sechelt, a First Nation with approximately 1,050 members, traditionally occupied and used the land and water around the Sechelt Peninsula.

Sliammon First Nation (Tla'amin)

Following intensive final agreement negotiations in 2004/05, the pace of tripartite negotiations at the Sliammon table slowed significantly in 2005/06. Despite the commitment of the parties to make progress towards concluding a final treaty, outstanding issues in taxation, own source revenue, fisheries and governance remain. Sliammon has recently expressed an interest in pursuing an interim lands and resources agreement with Canada and British Columbia as an incremental step towards completing a treaty while negotiations on outstanding issues continue. The parties have yet to agree how best to proceed.

Apart from tripartite negotiations, Sliammon has undertaken a comprehensive community planning exercise and is successfully engaging the community in developing a collaborative vision for the future. It is anticipated that the Sliammon comprehensive community plan will contribute to the conclusion of treaty negotiations and implementation of the treaty. Sliammon also continues to foster positive relations with the neighbouring City of Powell River and the regional district, as well as private sector partners.

A tremendous accomplishment for Sliammon this year has been the resolution of territorial issues with its neighbouring First Nations. Shared territory agreements are now in place between Sliammon and Sechelt, Homalco, Klahoose, K'omoks, We Wai Kai, Wei Wai Kum and Kwakiah First Nations.

Sliammon has approximately 900 members and traditionally occupied and used the land and water in and around the Powell River area, including Powell Lake, portions of the Gulf Islands, Courtenay and the Desolation Sound area.

Snuneymuxw First Nation

Since the First Nation initialled an agreement in principle in spring 2003, there have been extensive consultations with community members on the details of that agreement. Thereafter, the First Nation developed a list of areas where the members found the agreement unacceptable. Those concerns have been presented to the governments of Canada and BC and will inform treaty negotiations which are slated to resume this year.

Snuneymuxw's traditional territory ranges from central Vancouver Island – including Gabriola Island, Mudge Island and other adjacent islands – to the Nanaimo River watershed. The First Nation has approximately 1,450 members.

Squamish Nation

The Squamish continue to pursue opportunities outside the treaty process, including economic development and intergovernmental relations. The work they are engaged in with the District of West Vancouver has the potential to be a model for other Lower Mainland First Nation and municipal governments.

Squamish's traditional territory ranges from the Lower Mainland to Howe Sound and the Squamish valley watershed. The First Nation has approximately 3,500 members, with 2,200 living on reserve.

Sto:Lo Nation

Sto:Lo Nation recently amended the Sto:Lo Nation Statement of Intent to accommodate an internal restructuring that began in 2004. This amendment reflects the departure of eight communities from the Sto:Lo Nation (Chawathil, Cheam, Kwantlen, Kwawkwawapilt, Shxw'ow'hámel, Scowlitz, Seabird Island, Soowahlie and Sumas).

Sto:Lo, a First Nation with approximately 1,700 members, traditionally occupied and used the land around the Fraser Valley, much of the Lower Mainland and the Harrison Lake watershed. The First Nation comprises nine communities: Aitchelitz, Leq'á:mél, Matsqui, Popkum, Skawahlook, Skowkale, Squiala, Tseachten and Yakweakwioose.

Nuu-chah-nulth Tribal Council

Oweekeno Nation (Wuikinuxv)

Sechelt Indian Band

Sliammon First Nation (Tla'amin)

Snuneymuxw First Nation

Squamish Nation

Sto:Lo Nation

Te'Mexw Treaty Association

The Te'Mexw Treaty Association continues to work towards a treaty under the BC treaty process that will complement each member nation's pre-existing Douglas Treaty. The table is moving ahead and has been able to complete a substantial amount of work (including 12 chapters) towards a comprehensive agreement in principle.

The Te'Mexw Treaty Association comprises five communities – Beecher Bay, Malahat, Nanoose, Songhees and Sooke – with a combined membership of approximately 1,350. These First Nations traditionally occupied and used the land and water around the southern tip of Vancouver Island.

Tlowitsis Nation

Negotiations at the Tlowitsis table have been productive over the past year. In an effort to best use time and resources, the parties have recently completed negotiations on the procedural agreements and framework agreement using a combination of in-person meetings and technology. The parties expect that they will soon have the appropriate authorities in place to initial and sign the agreements and effectively move into stage 4, agreement-in-principle negotiations.

The Tlowitsis Nation has approximately 350 people and its traditional territory spans northeast Vancouver Island and nearby portions of the mainland.

Tsawwassen First Nation

Since the Tsawwassen First Nation signed its agreement in principle in 2004, negotiations for a final agreement have been ongoing. On August 24, the negotiators for the three parties concluded their final-agreement negotiations. The agreement will now have to be ratified by each of the parties.

It is reported that the draft agreement will be made public in the next few months. Five draft chapters (forest resources, migratory birds, national parks and marine conservation areas, provincial parks and protected areas and wildlife) were publicly released in May 2006. Public information sessions were held to further explain the chapters with Delta residents and no major concerns were raised.

Tsawwassen, comprising approximately 350 members, traditionally occupied and used the land and water around Pitt Lake and the Fraser River delta to Point Roberts and Saltspring Island.

Tsay Keh Dene Band

Negotiations have continued on land and fiscal issues as well as other chapters at the Tsay Keh Dene table. Chapters have been prioritized and issues such as governance and land designation have been explored. Tsay Keh Dene is also engaged in negotiations with BC Hydro over the flooding of their traditional territories as a result of the construction of Williston Dam in the 1960s.

Tsay Keh Dene's traditional territory is located in the general vicinity of Williston Lake and reaches north to Mount Trace, west to South Pass Peak, south to the Nation River and east to Mount Laurier. The First Nation has approximately 320 members.

Tsimshian First Nations

Tsimshian First Nations resumed substantive negotiations in spring 2005 and have been working throughout the year on a consolidated draft agreement in principle and an incremental agreement on fish.

The First Nation's traditional territory spans the Northwest Coast, including Prince Rupert and Terrace. The First Nation comprises approximately 2,500 people and five communities: Gitga'at, Kitasoo/Xaixais, Kitselas, Kitsumkalum and Metlakatla First Nations.

Tsleil-Waututh Nation

Tsleil-Waututh continues to focus on opportunities within and beyond the BC treaty process. With respect to tripartite negotiations, a recently established workplan identifies regular monthly tripartite negotiations through the end of 2006. To date, the parties have initialled a number of draft agreement-in-principle chapters. These include implementation, ratification, eligibility and enrolment and dispute resolution.

Tsleil-Waututh has worked hard over the past year on a community development strategy and links the elements of community development with treaty negotiation objectives.

The work being done on fisheries, forestry, urban land, parks and culture will benefit Tsleil-Waututh in negotiating and implementing their treaty. Tsleil-Waututh is also actively pursuing a number of planning and capacity-building initiatives. In the area of intergovernmental relations, some of the work has the potential to be a model for other Lower Mainland First Nations as they develop relationships with their First Nation neighbours, local municipalities and regional districts.

Tsleil-Waututh has approximately 400 members and the traditional territory includes the land and waters around North Vancouver and the Lower Mainland.

Westbank First Nation

The primary focus of this table continues to be land. The parties are making progress with agreement-in-principle negotiations through the use of non-binding technical working groups. These working groups are providing the parties with several "scenarios," especially with regard to lands and fiscal arrangements that would form an agreement in principle. In addition, Westbank hosted a workshop earlier this year on the post-treaty constitutional status of treaty settlement lands, an issue considered fundamental to reaching an agreement.

Located in the Kelowna area, Westbank has approximately 640 members.

Wet'suwet'en Nation

Much of the year was spent rebuilding the Wet'suwet'en team. A new chief negotiator was hired in the spring. The negotiators are working now to clarify and define the six topic areas that will form part of a proposed incremental treaty agreement in order to move negotiations forward.

Wet'suwet'en traditionally occupied and used the Bulkley River drainage area in northwest BC. The First Nation includes members of Hagwilget village and Moricetown band and has a total population of approximately 2,700.

Te'Mexw Treaty Association

Tlowitsis Nation

Tsawwassen First Nation

Tsay Keh Dene Band

Tsimshian First Nations

Tsleil-Waututh Nation

Westbank First Nation

Wet'suwet'en Nation

Winalagalis Treaty Group

There has been substantial progress this year at the Winalagalis table. Chapter development continues and the parties are attempting to tackle governance and fisheries issues. Winalagalis has also been engaging with local and regional governments and hosted a successful local government workshop in June 2006.

Winalagalis Treaty Group comprises the Da'naxda'xw Awaetlatla Nation, Gwa'Sala-'Nakwaxda'xw Nation, Quatsino First Nation and Tlatasikwala Nation. The member nations traditionally occupied the land and water around the north end of Vancouver Island and have approximately 2,200 members.

Yale First Nation

The Yale First Nation signed an agreement in principle in March 2006. Provisions under the agreement include 1,139 hectares of treaty settlement land, fishing rights, mineral rights, forestry, taxation, self government and a cash settlement of $6.5 million. Fisheries have been the focal point of negotiations for Yale First Nation.

Yale traditionally occupied and used the land around Yale, north of Hope. The First Nation has approximately 140 members.

Yekooche Nation

Final-agreement negotiations are continuing at the Yekooche table. Substantial work is being done on fisheries, taxation and fiscal issues and on treaty related measures. In addition, Yekooche is formalizing a comprehensive community development plan, as well as continuing to keep the community apprised of the issues under negotiation.

Yekooche, a First Nation with approximately 170 members, traditionally occupied and used the land and water around Fort St. James.

Winalagalis Treaty Group

Yale First Nation

Yekooche Nation

About Us

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada and BC and First Nations in BC. The Treaty Commission does not negotiate treaties – that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement of Canada, BC and the First Nations Summit. They are guided by the agreement and the 1991 Report of the BC Claims Task Force, which is the blueprint for the made-in-BC treaty process. The Treaty Commission was mandated to facilitate negotiations towards fair and durable treaties under the six-stage treaty process. The process is voluntary and open to all First Nations in BC.

As the independent keeper of the BC treaty process, the Treaty Commission carries out three complementary roles: facilitation, funding and public information and education.

The Treaty Commission's operating budget for 2005-06 was $2.19 million and its total funding for operations from 1993 to March 31, 2006 is $26.41 million. In addition to four part-time commissioners and the full-time chief commissioner, the Treaty Commission employs 13 staff. The government of Canada contributes 60 per cent of the Treaty Commission's budget and the BC government contributes 40 percent.

Effective April 1, 2006, the federal and provincial governments entered into a three-year agreement to provide the Treaty Commission with $2.52 million per year to meet its operating costs.

Report on Facilitation

The Treaty Commission's primary role is to oversee the negotiation process and to ensure the parties are being effective and making progress in the negotiations.

In carrying out this role, the Treaty Commission:

> Accepts First Nations into the treaty process and assesses when the parties are ready to start negotiations;

> Monitors compliance with the fundamental principles of treaty making as set out in the Treaty Commission's Mission Statement;

> Monitors and reports on the progress of negotiations and encourages timely negotiations by helping the parties to set meeting schedules and monitor deadlines;

> Chairs key meetings at tables and offers advice to the parties, where requested;

> Assists the parties in developing solutions and in resolving disputes;

> Identifies, engages with the Principals on and reports publicly on, opportunities for progress and key overarching obstacles to progress (e.g., mandates, resources, capacity, etc.);

> Supports pilot projects with the potential to promote progress in negotiations (e.g., community planning); and

> Develops and applies policies and procedures for the six-stage treaty process.

The Treaty Commission continues to devote the greater part of its time and resources to facilitation. Over the past year, the chief commissioner, commissioners and staff have been involved in a variety of facilitation initiatives, often on a sustained basis. This demand has arisen from a number of circumstances:

- Intensified negotiations at Stage 5 and some Stage 4 tables;
- Stalled negotiations at certain other tables;
- Intensified inter-First Nation dialogue on overlapping and shared territories, particularly where negotiations are approaching final agreement;
- Intra-First Nation dialogue where break-ups threaten; and
- Relationship building among the parties to the negotiations and other key stakeholders (e.g., local and regional government).

We anticipate that these circumstances will persist into the coming year. It is also expected that the Treaty Commission's attention and energies will be increasingly focused on:

- Initiatives related to the ratification of final agreements;
- Treaty implementation;
- Negotiations on matters best resolved on a sectoral or regional basis; and
- Renewed high-level talks among the Principals.

Report on Funding

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out negotiations on a more even footing with the governments of Canada and BC. For every $100 of negotiation support funding allocated, $80 is a loan from Canada, $12 is a contribution from Canada and $8 is a contribution from BC.

Since April 2004, First Nations have been able to accept just the non-repayable contribution or take any portion of their loan allocation. In 2006 several First Nations chose to accept fewer loan dollars than would have been required before this change.

Unless treaties come into effect, or the loans are in default, loans made to First Nations to allow them to participate in treaty negotiations come due 12 years from the date of the first loan advance. The first treaty loans would have become due in August 2006. The Treaty Commission may, if requested by the First Nation, recommend a five-year extension to the 12-year due date. The Treaty Commission is working to ensure that every First Nation in the process will have this loan due date extended.

Since opening its doors in May 1993, the Treaty Commission has allocated approximately $362 million in negotiation support funding to more than 50 First Nations, representing approximately two-thirds of the First Nations in the province – $289 million in loans and $73 million in non-repayable contributions.

Report on Public Information and Education

As the independent voice of treaty making in British Columbia, the Treaty Commission is uniquely positioned to analyze and demystify complex treaty issues. The governments of Canada and BC also share responsibility for public information. As well, the three parties in each set of negotiations – Canada, BC and First Nations – provide specific information on their negotiations.

Ongoing Communications Commitments

The governments of Canada and BC have funded the Treaty Commission to provide public information and education on treaty making in BC since 1997.

To reach audiences throughout BC, the Treaty Commission provides a variety of communications tools, including a website, annual report, newsletters, special publications, videos and displays.

Commissioners and advisors regularly deliver presentations to special events, community forums, business organizations, schools and post-secondary institutions. In addition to providing up-to-date information on the current state of the treaty process, the Treaty Commission has an important role to play in supporting public information efforts by individual treaty tables. To assist with these regular efforts, commissioners and treaty advisors regularly attend information forums with First Nation constituents and with the broader non-aboriginal community.

Community Information Sessions

To meet the specific information needs of people in First Nation communities, the Treaty Commission has created a community information session that deals with First Nations history, governance and treaty making in BC. It will be First Nations members that ratify agreements signed through the BC treaty process and it is essential they have good information.

The session covers the contributions of aboriginal people with highlights from 15,000 years of inventions and innovations; examines attempts at displacement and assimilation; the way out through treaty negotiations; and the process for involving First Nations and their members. To date, the session has been delivered in 22 First Nation communities.

Royal BC Museum Project

The Treaty Commission has joined with the Royal BC Museum to produce a five-minute film presentation on First Nations people in British Columbia. The film will be a part of the museum's three-dimensional map project and will serve as an introduction to visitors about the richness of First Nations heritage in the province. In addition, the First Peoples' Heritage, Language and Culture Council is working with the production team to include a number of first voices (archived audio-language clips) in the film.

Funding partners for the project are the Province of British Columbia's Ministry of Aboriginal Relations and Reconciliation and the BC Region of Indian and Northern Affairs Canada. The film is scheduled for completion in fall 2006.

Lheidli T'enneh Video

This year, the Treaty Commission assisted the Lheildi T'enneh in producing the video *A Community Affair: Lheidli T'enneh Journey to a Treaty*. The video highlights the experience of the Lheidli T'enneh in negotiating a community-based treaty and the relationships necessary to support such work. Interviewees include Lheidli T'enneh community elders, leaders and members, negotiators for the parties, Nisga'a Nation leaders and Chief Commissioner Steven Point.

Community Consultations

Again this year, the Treaty Commission organized a series of community visits to hear first hand from the people who are on the front line of treaty making in the province. Events were held in Campbell River in March 2006 and Delta in May 2006. The objectives of these events are to improve access to commissioners and staff, build relationships and improve communication between individuals, gather information first hand and provide information.

Web Site

Since re-launching as a one-stop shop for treaty information in April 2003, traffic to the site has tripled and now averages 20,000 unique visits each month.

Treaty Commissioners

The First Nation Summit members elect two commissioners and the federal and provincial government appoint one each to serve two-year terms. The chief commissioner is appointed to a three-year term by agreement of the three Principals.

Steven Point, a provincial court judge, was appointed chief commissioner by agreement of the governments of Canada and British Columbia and the First Nations Summit effective February 28, 2005. He has been a provincial court judge since February 1999. Judge Point served as the tribal chair of the Sto:lo Nation from 1994 to 1999 and elected chief of Skowkale First Nation for 15 of the years between 1975 and 1999. Point received an Honorary Doctorate of Law degree from the University College of the Fraser Valley in June 2000 and is a recipient of a National Aboriginal Achievement Award, also in 2000. He received a Bachelor of Laws degree from UBC in 1985 and was called to the Bar in British Columbia in 1986.

Wilf Adam was re-elected commissioner by the First Nations Summit in March 2005 to serve a sixth consecutive term. Former chief councillor of the Lake Babine Band and chair of the Burns Lake Native Development Corporation, Adam co-founded the Burns Lake Law Centre. Adam was born in Burns Lake and raised at Pendleton Bay. In 1985, he completed a course in Business Management at the College of New Caledonia in Prince George.

Jack Weisgerber was appointed to a third, two-year term in February 2006 by the Government of British Columbia. Weisgerber represented Peace River South in the BC legislature for 15 years from 1986 to 2001. He became BC's first minister of aboriginal affairs in 1988 and in 1991 he was appointed minister of energy, mines and petroleum resources. His leadership was also key to the formation of the BC Claims Task Force.

Jody Wilson was re-elected commissioner in March 2005 to a second term by the First Nations Summit. Raised in the Comox Valley, Wilson is a member of the We Wai Kai First Nation of the Laich-Kwil-Tach K'omoks Council of Chiefs. Prior to this post, Wilson worked for nine months as an advisor at the BC Treaty Commission and two years as a provincial Crown prosecutor. She holds a Bachelor of Laws from the University of British Columbia (1999) and a Bachelor of Arts in Political Science and History from the University of Victoria (1996). Wilson has been an active member of the BC Bar since 2000.

Michael Harcourt was re-appointed to the Treaty Commission by the Government of Canada in May 2005. Harcourt served as British Columbia's premier from 1991 to 1996 and as mayor of Vancouver for three terms from 1980 to 1986. Harcourt is senior associate of the Liu Centre (UBC) for Studies of Global Issues, which is responsible for the Plus 30 Project Planning for Long-term Urban Sustainability. His commitment to the treaty process is long-standing; as premier in 1992 Harcourt signed the agreement establishing the Treaty Commission. He was also a signatory to the agreement in principle with Nisga'a Nation 1996.

www.bctreaty.net

For details on the six-stage treaty process and recommended resources, see our website.

BC TREATY COMMISSION

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Merging the past and present, the Treaty Commission symbol represents the three Principals in modern-day treaty making – the governments of Canada and British Columbia and First Nations. Pointing in an upward and forward direction, the symbol implies a "coming together" pivotal to successful negotiations and treaty making.